

# 10

PTO/SB/64 (10/01)

Approved for use through 09/30/00. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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|   |                              |   |
|---|------------------------------|---|
| <b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED<br/>UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>  |                              | <b>Docket Number (Optional)<br/>560301-1010</b> |
| <b>First Named Inventor: Ellis W. Patrick, III</b>  |                              |   |
| <b>Application No.: 09/778,754</b>  | <b>Group Art Unit: 2875</b>  |   |
| <b>Filed: February 8, 2001</b>  | <b>Examiner: Ton, Anabel</b> |   |
| <b>Attention: Office of Petitions<br/>Assistant Commissioner for Patents<br/>Box DAC<br/>Washington, D.C. 20231</b>   |                              |   |
| <b>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.</b>  |                              |   |
| The above-identified application became abandoned for failure to notify the United States Patent and Trademark Office (USPTO) within 45 days of filing an application in a foreign country directed to the invention disclosed in the above-identified application, after a request for nonpublication of the above-identified application was filed and granted. |                              |   |
| <b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b>   |                              |   |
| <b>NOTE: A grantable petition requires the following items:</b>   |                              |   |
| (1) Petition fee;   |                              |   |
| (2) Reply and/or issue fee;   |                              |   |
| (3) Terminal disclaimer with disclaimer fee - required for all utility and patent applications filed before June 8, 1995, and for all design applications; and  |                              |   |
| (4) Statement that the entire delay was unintentional.  |                              |   |
| <b>1. Petition Fee</b>  |                              |   |
| <input type="checkbox"/> Small entity - fee <b>\$640.00</b> (37 C.F.R. 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.   |                              |   |
| <input checked="" type="checkbox"/> Other than small entity - fee <b>\$1,280.00</b> (37 C.F.R. 1.17(m))   |                              |   |
| <b>2. Reply and/or fee</b>  |                              |   |
| A. The Applicants have attached hereto a Request to Rescind Previous Nonpublication Request.  |                              |   |

[Page 1 of 2]

09/20/2002 AKELLEY 00000012 09778754

01 FC:141 1280.00 OP

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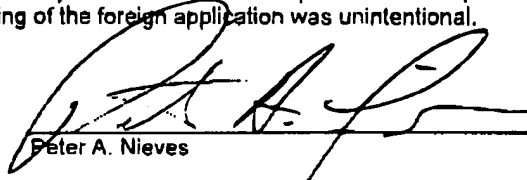
**3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d) of \$55.00 for a small entity or \$110.00 for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4. Statement.** A nonpublication request was filed and granted on the present U.S. application that was filed on February 8, 2001. Thereafter, an application was filed in Canada (i.e., a foreign country) on June 19, 2001, directed to the invention disclosed in the U.S. application. Therefore, more than 45 days have passed since the filing in Canada. As a result, in accordance with section 711.03(c)(III)(3) of the manual of patent examining procedure, the present U.S. application is abandoned. The present petition for revival is being respectfully submitted in an attempt to revive the present U.S. application. The entire delay in contacting the USPTO regarding the filing of the foreign application was unintentional.

9/16/02

September 16, 2002

  
Peter A. Nieves

Telephone Number: (770) 933-9500

Thomas, Kayden, Horstemeyer & Risley LLP  
100 Galleria Parkway  
Suite 1750  
Atlanta, GA 30339

**Enclosures:**

- ☒ Fee Payment  
☒ Reply  
☐ Terminal Disclaimer Form  
☐ Additional sheets containing statements establishing unintentional delay  
☐ Other:

**CERTIFICATE OF MAILING [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

September 16, 2002

Cory Rose



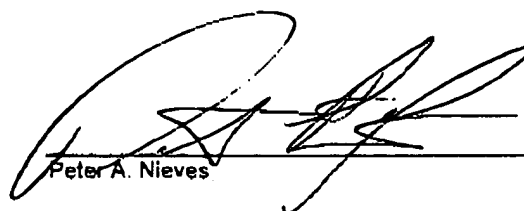
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|  |                        |                       |
|--|------------------------|-----------------------|
| <b>REQUEST TO RESCIND<br/>PREVIOUS<br/>NONPUBLICATION REQUEST<br/>35 U.S.C. 122(b)(2)(B)(ii)</b> | Applicati n Number     | 09/778,754            |
|  | Filing Date            | February 8, 2001      |
|  | First Named Inventor   | Ellis W. Patrick, III |
|  | Title                  | Rotating Reflector    |
|  | Attorney Docket Number | 560301-1010           |
|  | Group Art Unit         | 2875                  |
|  | Examiner               | Ton, Anabel           |

I hereby **rescind** the previous request that the above-identified application not be published under 35 U.S.C. 122(b).

September 16, 2002

  
Peter A. Nieves


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This request must be signed in compliance with 37 CFR 1.33(b).

Note: Filing this rescission of a previous nonpublication request is considered the notice of a subsequent foreign or international filing required by 35 USC 122(b)(2)(B)(iii) and 24 C.F.R. 1.213(c) if this rescission is filed no later than forty-five days (45) after the date of filing of such foreign or international application. See 37 CFR 1.137(f) if a notice of subsequent foreign or international filing required by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is not filed within forty-five days (45) after the date of filing of the foreign or international application.

|  |      |                    |
|--|------|--------------------|
| <b>Certification of Mailing or Transmission</b>  |      |                    |
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| Cory Rose  | Date | September 16, 2002 |
| Signature:    |      |                    |

Burden Hour Statement. This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FFPS OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Commissioner for Patents, Washington, DC 20231

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## FACSIMILE TRANSMISSION

September 16, 2002

[WFH/PAN:acr]

**TO**  
**Anabel Ton**  
**United States Patent and**  
**Trademark Office**

**FAX: 703-308-6916**

**From**  
**William F. Heinze**

**FAX: 770-951-0933**

TEL:

TEL:

**RE: Application of Ellis W. Patrick, III**  
**U.S. Serial No: 09/778,754**  
**Petition to Revive**  
**Request to Rescind Previous Non-Publication Request**

**(Message)**

**Number of Pages (Including This Cover Sheet): - 6 - Page**  
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on September 16, 2002.

*Cory Rose*  
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|                       |                              |           |                   |
|-----------------------|------------------------------|-----------|-------------------|
| In re application of: | <b>Ellis W. Patrick, III</b> | Art Unit: | <b>2875</b>       |
| U.S. Serial Number:   | <b>09/778,754</b>            | Examiner: | <b>Anabel Ton</b> |
| Filing Date:          | <b>February 8, 2001</b>      |           |                   |
| Our Reference Number: | <b>560301-1010</b>           |           |                   |
| Title:                | <b>Rotating Reflector</b>    |           |                   |

**Petition to Revive**  
**Request to Rescind Previous Non-Publication Request**  
**Credit Card Authorization in the Amount of \$1,280.00**